

# The National Wild and Scenic Rivers System

## Background

The National Wild and Scenic Rivers System was established in 1968 by the Wild and Scenic Rivers Act. The Act established a policy of preserving selected free-flowing rivers for the benefit and enjoyment of present and future generations, to complement the then-current national policy of constructing dams and other structures (such as flood control works) along many rivers. Three classes of wild and scenic rivers were established under the Act, reflecting the characteristics of the rivers at the time of designation, and affecting the type and amount of development that may be allowed thereafter. The classes of rivers are:

- **Wild** rivers are free from impoundments (dams, diversions, etc.) and generally inaccessible except by trail, where the watersheds (area surrounding the rivers and tributaries) are primitive and the shorelines are essentially undeveloped;
- **Scenic** rivers are free from impoundments in generally undeveloped areas but are accessible in places by roads;
- **Recreational** rivers are readily accessible by road, with some shoreline development, and possibly may have undergone some impoundment or diversion in the past.

Rivers may come into the System either by congressional designation or state nomination to the Secretary of the Interior. Congress initially designated 789 miles in 8 rivers as part of the National Wild and Scenic Rivers System. Congress began expanding the System in 1972, and made substantial additions in 1976 and in 1978 (413 miles in 3 rivers, and 688 miles in 8 rivers, respectively). As with the National Wilderness Preservation System, the National Wild and Scenic Rivers System was more than doubled by designation of rivers in Alaska in ANILCA in 1980. In January 1981, Interior Secretary Cecil Andrus approved 5 rivers designated by the state of California, increasing the System mileage by another 20% (1,235 miles). The first additions under the Reagan Administration were enacted into law in 1984, with the addition of 5 rivers including more than 300 miles. The next large addition came in 1988, with the designation of more than 40 river segments in Oregon, adding 1,400 miles. In 1992, 14 Michigan river segments totaling 535 miles were added. The 106<sup>th</sup> Congress added 11 designations to the System which now includes 160 river units with 11,292.1 miles in 38 states.<sup>74</sup> (See table 6.)

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<sup>73</sup>This section originally was prepared by Betsy A. Cody; updated by Sandra L. Johnson.

<sup>74</sup>U.S. Dept. of the Interior, National Park Service. *River Mileage Classifications for Components of the National Wild and Scenic Rivers System*. Washington, DC: Nov. 2000.

**Table 6. Mileage of Rivers Classified as Wild, Scenic, and Recreational, by State, 2000**

State	Wild	Scenic	Recreational	Total
Alabama	36.40	25.00	0.00	61.40
Alaska	2,955.00	227.00	28.00	3,210.00
Arizona	18.50	22.00	0.00	40.50
Arkansas	21.50	147.70	40.80	210.00
California	685.80	199.60	986.85	1,872.25
Colorado	30.00	0.00	46.00	76.00
Connecticut	0.00	0.00	14.00	14.00
Delaware <sup>a</sup>	0.00	15.60	79.00	94.60
Florida	32.65	7.85	8.60	49.10
Georgia <sup>a</sup>	39.80	2.50	14.60	56.90
Idaho <sup>a</sup>	321.90	34.40	217.70	574.00
Illinois	0.00	17.10	0.00	17.10
Kentucky	9.10	0.00	10.30	19.40
Louisiana	0.00	19.00	0.00	19.00
Maine	92.50	0.00	0.00	92.50
Massachusetts	0.00	33.80	38.50	72.30
Michigan	79.00	277.90	267.90	624.80
Minnesota <sup>a</sup>	0.00	193.00	59.00	252.00
Mississippi	0.00	21.00	0.00	21.00
Missouri	0.00	44.40	0.00	44.40
Montana	161.90	66.70	139.40	368.00
Nebraska <sup>a</sup>	0.00	76.00	126.00	202.00
New Hampshire	0.00	13.50	24.50	38.00
New Jersey <sup>a</sup>	0.00	119.90	146.80	266.70
New Mexico	90.75	20.10	10.00	120.85
New York <sup>a</sup>	0.00	25.10	50.30	75.40
North Carolina <sup>a</sup>	44.40	95.50	52.00	191.90
Ohio	0.00	136.90	76.00	212.90
Oregon <sup>a</sup>	635.65	381.40	798.05	1,815.10
Pennsylvania <sup>a</sup>	0.00	111.00	298.80	409.80
South Carolina <sup>a</sup>	39.80	2.50	14.60	56.90
South Dakota <sup>a</sup>	0.00	0.00	98.00	98.00
Tennessee	44.25	0.00	0.95	45.20
Texas	95.20	96.00	0.00	191.20
Washington	0.00	108.00	68.50	176.50
West Virginia	0.00	10.00	0.00	10.00
Wisconsin <sup>a</sup>	0.00	217.00	59.00	276.00
Wyoming	20.50	0.00	0.00	20.50
<b>U.S. Total <sup>b</sup></b>	<b>5,345.00</b>	<b>2,445.70</b>	<b>3,501.40</b>	<b>11,292.10</b>

**Source:** U.S. Dept. of the Interior, National Park Service. *River Mileage Classifications for Components of the National Wild and Scenic Rivers System*, Washington, DC: Nov. 2000, and personal communication with John Haubert, Div. of Park Planning and Special Studies, NPS, U.S. Dept. of the Interior, Washington, DC, on February 7, 2001.

<sup>a</sup> This state shares mileage with some bordering states, where designated river segments are also state boundaries. Figures for each state reflect the total shared mileage, resulting in duplicate counting.

<sup>b</sup> Figure totals represent the actual totals of classified mileage in the United States and do not reflect duplicate counting of mileage of rivers running between state borders. Because the figures for individual states do reflect the shared mileage, the sum of the figures in each column exceeds the indicated column total.

## Organization and Management

Land areas along rivers designated by Congress generally are managed by one of the four federal land management agencies, where federal land is dominant. However, land use restrictions and zoning decisions affecting private land in wild and scenic corridors generally are made by local jurisdictions (*e.g.*, the relevant county, township, city, *etc.*) where appropriate. The boundaries of the areas along wild and scenic rivers are identified by either the Interior or Agriculture Secretary, depending on land ownership within the corridor. The area included may not exceed an average of 320 acres per mile of river designated (640 acres per mile in Alaska), an average of 1/4 mile width of land on each side of the river.

Where wild and scenic river corridor boundaries include state, county, or other public land, or private land, federal agencies have limited authority to purchase, condemn, exchange, or accept donations of state and private lands within the corridor boundaries. Additionally, federal agencies are directed to cooperate with state and local governments in developing corridor management plans.

In response to controversies associated with management of lands within wild and scenic river corridors, several recent designations have included language calling for creation of citizen advisory boards or other mechanisms to ensure local participation in developing management plans. Even without such direction, management plans for river corridors involving predominantly private lands usually are developed with input from local jurisdictions, prior to designation.

Management of lands within wild and scenic corridors generally is less restricted than in some protected areas, such as wilderness areas, although management varies with the class of the designated river and the values for which it was included in the System. Administration is intended to protect and enhance the values which led to the designation, but Congress also directed that other land uses not be limited unless they “substantially interfere with public use and enjoyment of these values” (§10(a) of the 1968 Act). Primary emphasis for management is directed toward protecting aesthetic, scenic, historic, archaeologic, and scientific features of the area. Road construction, hunting and fishing, and mining and mineral leasing may be permitted in some instances, as long as the activities are consistent with the values of the area being protected and with other state and federal laws.

## Designation

Rivers may be added to the system either by an Act of Congress, usually after a study by a federal agency, or by state nomination with the approval of the Secretary of the Interior. Congress has identified numerous rivers as potential additions to the System. The Secretaries of the Interior and Agriculture are required to report to the President on the suitability of these rivers for wild and scenic designation, who in turn submits recommendations to Congress.

State-nominated rivers may be added to the National Wild and Scenic Rivers System only if the river is designated for protection under state law, is approved by the Secretary of the Interior, and is permanently administered by a state agency

(§2(a)(ii) of the 1968 Act). Management of these state-nominated rivers may be more complicated because of the diversity of land ownership in these areas. Fewer than 10% of the federal wild and scenic river designations have been made in this manner.

## Issues

Concern over land management issues and private property rights have been the predominant issues associated with designation of wild and scenic rivers since the inception of the 1968 Act. Initially, the river designations involved land owned and managed primarily by the federal agencies; however, over the years, more and more segments have been designated that include private lands within the river corridors. The potential use of condemnation authority in particular has been quite controversial. Congress has addressed these issues in part by encouraging development of management plans during the wild and scenic river study phase, prior to designation, and by avoiding condemnation. According to the National Park Service, condemnation has “almost ceased to be used [since] the early 1980s.”<sup>75</sup> Another issue that arises from time to time is the nature of state or federal projects allowed within a wild and scenic corridor, such as construction of major highway crossings, bridges, or other activities that might affect the flow or character of the designated river segment.

## Major Statutes

Wild and Scenic Rivers Act: Act of Oct. 2, 1968; P.L. 90-542, 82 Stat. 906. 16 U.S.C. §1271, *et seq.*

## CRS Reports and Committee Prints

CRS Report 92-575, *River and River Corridor Protection: Status of State and Federal Programs and Options for Congress*, by Betsy A. Cody, Jeffrey Zinn, and George H. Siehl.

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<sup>75</sup>U.S. Dept. of the Interior, National Park Service. *Wild and Scenic Rivers and the Use of Eminent Domain*. Washington, DC: November 1998. Condemnation and subsequent acquisition of land by the federal government (in fee title, or fee-simple) has been used along 4 rivers since 1968: the Rio Grande, the Eleven Point River, the St. Croix, and the Obed, resulting in the acquisition of 1,413 acres. Condemnation of land for easements has occurred on 8 rivers amounting to 6,339.7 acres. The FWS is the only agency that has never used condemnation to acquire land or an easement for a wild and scenic river corridor.